





**Brighton & Hove  
City Council**

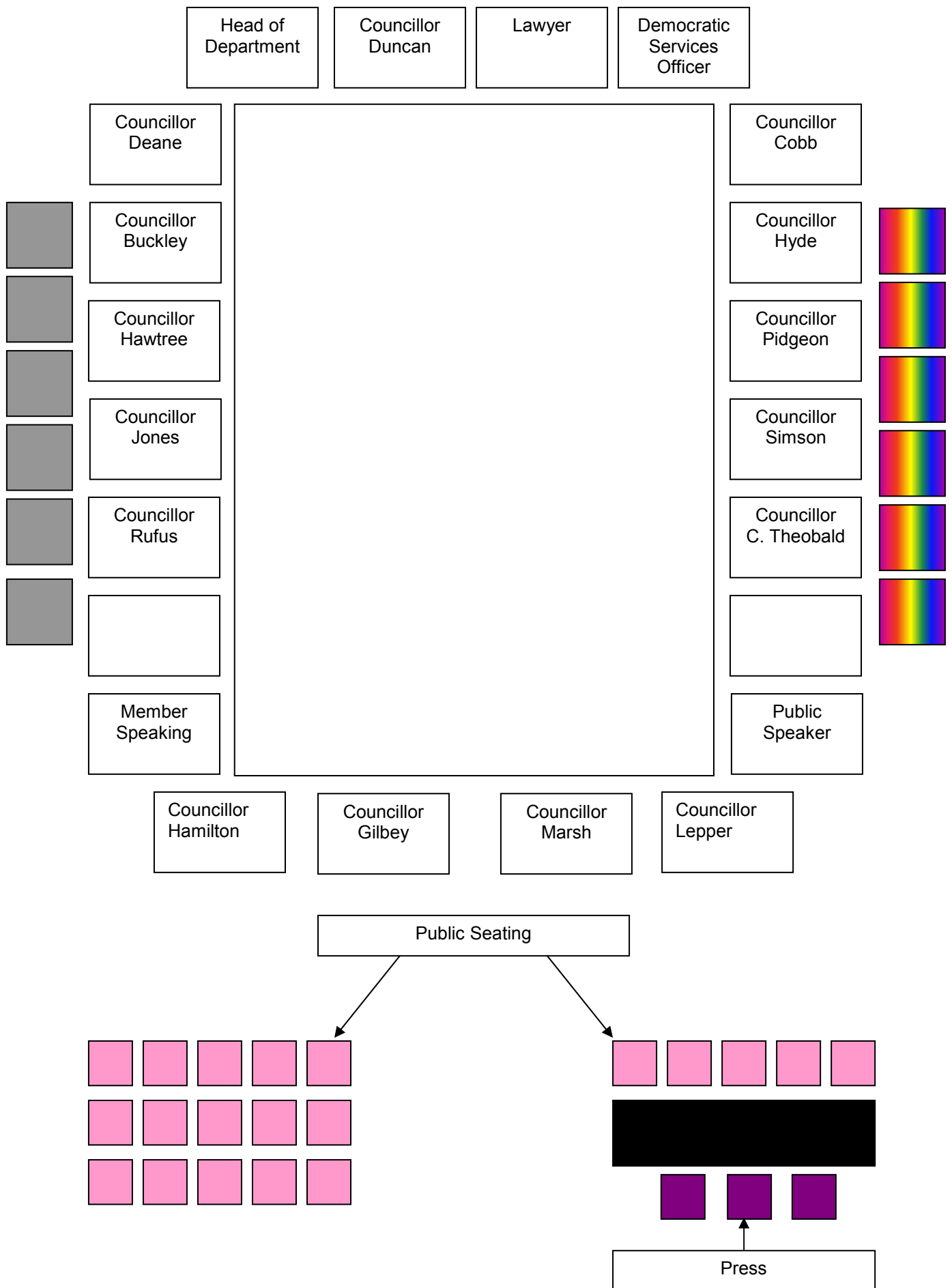
# Licensing Committee

## (Licensing Act 2003 Functions)

Title:	<b>Licensing Committee (Licensing Act 2003 Functions)</b>
Date:	<b>22 November 2012</b>
Time:	<b>3.00pm</b>
Venue	<b>Council Chamber, Hove Town Hall</b>
Members:	<b>Councillors:</b> Duncan (Chair), Deane (Deputy Chair), Cobb (Opposition Spokesperson), Lepper (Opposition Spokesperson), Buckley, Gilbey, Hamilton, Hawtree, Hyde, Jones, Marsh, Pidgeon, Rufus, Simson and C Theobald
Contact:	<b>Penny Jennings</b> Democratic Services Officer 01273 291065 penny.jennings@brighton-hove.gov.uk

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# Democratic Services: Meeting Layout



## AGENDA

### 9. PROCEDURAL BUSINESS

(a) Declaration of Substitutes: Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) Declarations of Interest:

- (a) Disclosable pecuniary interests not registered on the register of interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(c) Exclusion of Press and Public: To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

*NOTE: Any item appearing in Part 2 of the Agenda states in its heading either that it is confidential or the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

*A list and description of the categories of exempt information is available for public inspection at Brighton and Hove Town Halls.*

### 10. MINUTES OF THE PREVIOUS MEETING

1 - 4

Minutes of the meeting held on 28 June 2012 (copy attached)

### 11. CHAIR'S COMMUNICATIONS

### 12. PUBLIC INVOLVEMENT

## LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

To consider the following matters raised by members of the public:

- (a) **Petitions:** to receive any petitions presented by members of the public to the full Council or at the meeting itself.
- (b) **Written Questions:** to receive any questions submitted by the due date of 12 noon on 14 November 2012].
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on 14 November 2012].

### 13. ISSUES RAISED BY MEMBERS

To consider the following matters raised by Members:

- (a) **Petitions:** to receive any petitions submitted to the full Council or at the meeting itself;
- (b) **Written Questions:** to consider any written questions;
- (c) **Letters:** to consider any letters;
- (d) **Notices of Motion:** to consider any Notices of Motion.

### 14. GAMBLING ACT 2005 - REVISED POLICY

5 - 30

Report of the Head of Planning and Public Protection (copy attached)

*Contact Officer: Tim Nichols Tel: 29-2163*  
*Ward Affected: All Wards*

### 15. SCHEDULE OF REVIEWS

31 - 32

Report of the Head of Planning and Public Protection (copy attached)

*Contact Officer: Jean Cranford Tel: 29-2550*  
*Ward Affected: All Wards*

### 16. SCHEDULE OF APPEALS RECEIVED

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Report of the Head of Legal and Democratic Services (copy attached)

*Contact Officer: Rebecca Sidell Tel: 29-1511*  
*Ward Affected: All Wards*

### 17. ITEMS TO GO FORWARD TO COUNCIL

To consider items to be submitted to the 13 December 2012 Council meeting for information.

*In accordance with Procedure Rule 24.3a, the Committee may determine*

## LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

*that any item is to be included in its report to Council. In addition, any Group may specify one further item to be included by notifying the Chief Executive no later than 10am on the eighth working day before the Council meeting at which the report is to be made, or if the Committee meeting take place after this deadline, immediately at the conclusion of the Committee meeting*

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

Agendas and minutes are published on the council's website [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk). Agendas are available to view five working days prior to the meeting date.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Penny Jennings, (01273) 291065, email [penny.jennings@brighton-hove.gov.uk](mailto:penny.jennings@brighton-hove.gov.uk) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

Date of Publication - Wednesday, 14 November 2012



<b>LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)</b>	<b>Agenda Item 10</b>  Brighton & Hove City Council
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**BRIGHTON & HOVE CITY COUNCIL**

**LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)**

**3.00PM 28 JUNE 2012**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Deane (Chair), Cobb (Opposition Spokesperson), Lepper (Opposition Spokesperson), Buckley, Gilbey, Hawtree, Hyde, Jones, Marsh, Mitchell, Pidgeon, Rufus, Simson, Summers and C Theobald

**Apologies:** Councillors Duncan and Turton

**PART ONE**

**1. PROCEDURAL BUSINESS**

**1a Declaration of Substitutes**

1.1 Councillor Mitchell was substituting for Councillor Turton and Councillor Summers was substituting for Councillor Duncan.

**1b Declarations of Interest**

1.2 There were none.

**1c Exclusion of the Press and Public**

1.3 In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Committee considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business, to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I of the Act).

1.4 **RESOLVED** - That the press and public not be excluded from the meeting.

**2. MINUTES OF THE PREVIOUS MEETING**

- 2.1 **RESOLVED** – That the minutes of the Licensing Committee (Licensing Act 2003 Functions) Meeting held on 8 March 2012 be agreed and signed as a correct record.

**3. CHAIR'S COMMUNICATIONS**

- 3.1 There were none.

**4. PUBLIC INVOLVEMENT**

- 4.1 There were no petitions, written questions or depositions received from members of the public.

**5. ISSUES RAISED BY MEMBERS**

- 5.1 There were no petitions, written questions, letters or notices of motion received from Members.

**6. STATEMENT OF LICENSING POLICY AMENDMENTS DUE TO REVISED LEGISLATION AND GUIDANCE**

- 6.1 The Committee considered a report of the Head of Law in relation to amendments to the Statement of Licensing Policy due to revised legislation and guidance. The changes to the Licensing Act 2003 following the Police Reform and Social Responsibility Act 2011 which came into force on 25 April 2012, and revised guidance from the Home Office had been issued the reflect these changes.

- 6.2 **RESOLVED** – That the Committee:

- a) Notes the proposed amendments to the Statement of Licensing Policy as summarised at Appendix A.
- b) Authorises the Head of Regulatory Services to carry out a minimal consultation with statutory consultees and report back to Full Council without the need for the Committee to receive a further report unless significant responses following consultation are received and further substantial amendments to the policy are proposed.

**7. SCHEDULE OF APPEALS RECEIVED**

- 7.1 **RESOLVED** – That the contents of the report be noted.

**8. ITEMS TO GO FORWARD TO COUNCIL**

- 8.1 There were none.

The meeting concluded at 3.30pm

Signed

Chair



Dated this

day of



# LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

## Agenda Item 14

Brighton & Hove City Council

<b>Subject:</b>	<b>Gambling Act 2005 – revised policy</b>		
<b>Date of Meeting:</b>	<b>22 November 2012 13 December 2012</b>		
<b>Report of:</b>	<b>Head of Planning and Public Protection</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Tim Nichols</b>	<b>Tel: 29-2163</b>
	<b>Email:</b>	tim.nichols@brighton-hove.gov.uk	
<b>Ward(s) affected:</b>	<b>All</b>		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Gambling Act 2005 requires Licensing Authorities to prepare, every three years, a statement (also known as a Policy) of the principles which they propose to apply when exercising their functions, and they must publish the statement following the procedure set out in the Act, including whom they should consult.

#### 2. RECOMMENDATIONS:

- 2.1 That the committee agrees to refer the final version of the Statement of Gambling Policy to Full Council for adoption. (Appended)

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Following Gambling Commission guidance, the council's current Gambling Statement was sent to all statutory consultees.

#### 4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 Consultation commenced 16 July 2012 and lasted 12 weeks. The existing statement of gambling policy was sent to consultees and was available on the council's website.
- 4.2 Eight responses were received including Sussex Police, the Racecourse Association, Brighton Racecourse, the National Casino Industry Forum, a medical practitioner, The Quakers Society, Sussex Deaf Association and The Campaign for Fair Gambling. The responses were evaluated. Respondents were in favor. No proposals were made for any changes and therefore it is proposed to maintain our existing policy. (See appendix 1).
- 4.3 Before publishing the Statement, the local authority is required to publish a notice of its intention to publish a statement. This must be done no less than two weeks before the statement is published. The notice must

- a) Specify the date on which the statement is to be published
- b) Specify the date on which the statement will come into effect
- c) Specify the internet address where the statement will be published and the address of the premises at which it may be inspected and
- d) Be published on the authority's website and in or on one or more of the following places
  - A local newspaper circulating in the area covered by the statement
  - A local newsletter, circular or similar document circulating in the area covered by the statement
  - A public notice board on or near the principal office of the authority's public notice board on the premises of public libraries in the area covered by the statement.

The statement must be published at least one month before it takes effect.

#### 4.4 Timetable:

- Licensing Committee 22 November 12
- Full Council 13 December 2012
- Advertised and published during December 2012.
- January 2013 Revised Statement comes into effect

## 5. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

- 5.1 The costs of producing the Statement of Gambling Policy have been met from within existing revenue budgets. There are no additional financial implications arising from this report.

Finance Officer Consulted: Karen Brookshaw Date: 18/10/12

### Legal Implications:

- 5.2 Local authority responsibilities include: upholding licensing objectives, publishing a three year licensing policy, determining applications for premises licences and regulating members clubs – club gaming and machine permits. The Licensing Committee established under section 6 of the Licensing Act 2004 has authority to exercise functions under the Gambling Act 2005 with the exception of: a resolution not to issue casino licences, the three year licensing policy (full council) and setting fees.

Lawyer Consulted: Rebecca Sidell Date: 19/10/12

### Equalities Implications:

- 5.3 Protecting children and other vulnerable persons from being harmed or exploited by gambling is one of the licensing objectives. The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. "Vulnerable persons" will not be defined but for regulatory purposes the assumption is that this group includes people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling due to a mental

impairment, alcohol or drugs. Operators should encourage where appropriate, strategies for self help and provide information on organisations where advice and help can be sought.

With limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult-only environments.

Sustainability Implications:

5.4 None.

Crime & Disorder Implications:

5.5 Gambling Commission Inspectors will have the main enforcement/compliance role. The police and licensing authority officers have powers of entry and inspection.

Risk and Opportunity Management Implications:

5.6 Gambling licensing objectives are:  
(a) Preventing gambling from being a source of crime and disorder, being associated with crime and disorder, or being used to support crime  
(b) Ensuring gambling is conducted in a fair and open way  
(c) Protection children and other vulnerable persons from being harmed or exploited by gambling.

Public Health Implications:

5.7 None

Corporate / Citywide Implications:

5.8 Licensing authorities licence all gambling premises in the city: casinos, bingo, betting, tracks, adult gaming centres, family entertainment centres as well as administering notices and granting gaming permits.

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

6.1 The Council must publish a policy.

**7. REASONS FOR REPORT RECOMMENDATIONS**

7.1 To refer and present the final version of the Statement of Gambling Policy to Full Council for adoption. (Appended)

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Summary of responses received.
2. Proposed Revised Gambling Statement

### **Documents in Members' Rooms**

1. None

### **Background Documents**

1. None

Summary of responses to Gambling Consultation 2012

Responders: Trade

From:	Response	whether accommodated or reasons not
Racecourse Association	<p>I am writing on behalf of the Racecourse Association, the trade association for horse racecourses in Great Britain. We have reviewed the revision of statement of gambling licensing policy for Brighton and Hove City Council, to which we would like the opportunity to respond on behalf of our members.</p> <p><b>Separate Licenses for Certain Facilities (paragraph 2.8)</b> – The RCA is supportive of the Council's view that arrangements regarding separate premises licenses for off-course operators will be at the discretion of the racecourse and the betting operator.</p> <p><b>Location (paragraph 4.2 page 11)</b> - The proposed location of gambling premises may be taken into account when assessing the application. The RCA is supportive of The Council's recognition that the location of racecourses will not have altered since its foundation, and cannot be transferred to another location.</p> <p><b>Door Supervisors (paragraph 2.5 page 8)</b> - The Councils are asked to be aware that under the Licensing Act 2003 and the Private Security Industry Act 2001, racecourses are already required to provide licensed door supervisors in some roles. In line with the stipulation that the Council will seek to avoid duplication with other regulatory regimes, the Councils should not impose any further provisions relating to door supervisors.</p> <p><b>Betting machines (paragraph 2.17 pages 10-11)</b> - The Councils are asked to</p>	Support for current policy

	<p>note that racecourses do not hold Operating Licenses and consequently any betting machines on racecourses will be provided by other operators. The racecourses will contractually require these operators to fulfill any conditions with regard to the provision and supervision of these machines.</p> <p>By telephone – in total support of existing policy.</p>	
<p>Brighton Racecourse</p>	<p>Support for current policy</p>	<p>Already law</p>
<p>Campaign for Fairer Gambling</p>	<p><b><u>Introduction</u></b>  The Campaign for Fairer Gambling has been concerned about B2 machines, also known as Fixed Odds Betting Terminals (FOBTs), in Licensed Betting Shops (LBOs) for some time. The maximum stake of £100 with a spin nearly every 20 seconds on addictive roulette content, in easy-access minimal-control LBOs is totally illogical. By comparison the maximum stake on a casino slot machine is generally £2. The vast majority of the turnover on FOBTs is on roulette, which is a faster pace than casino roulette, resulting in faster FOBT gambler losses.</p> <p><b><u>Concentration of betting shops</u></b>  Analysis should commence with reflecting on what the LBO sector would look like if FOBTs had not been introduced. It is logical to assume there would have been similar trends as in many other sectors. These are a reduction in the total number of units and an increase in the size of the units. Inevitably this would have resulted in a far lower concentration than is currently the case.</p> <p>Simply, it is FOBTs that have led to an increase in the number of units – which has led to clustering – because of a limitation of 4 machines maximum per shop. A 15% increase in the number of LBOs since 2000 (1,100) is also accompanied by an increase in retail floor space as bookmakers re-site traditional over-the-counter (OTC) betting shops onto High Street mini-casino locations with larger floor space.</p>	<p>N/A</p>



	<p>The recent DCMS select committee report recommended an increase in the maximum number of FOBTs per LBO as an anti-clustering measure. But the reality is that there would just be more FOBTs and more clustering of FOBTs and no impact on LBO concentration.</p> <p>Slot machines on the Las Vegas Strip are open 24 hours a day and take around £450 per machine each week. By contrast, trading for far less hours, William Hill takes around £900 a week per FOBT. Bookmakers could easily justify doubling the number of FOBTs nationally, but in areas with higher volumes of activity than the UK average there is every reason to think that a trebling of FOBTs would be viable for bookmakers.</p> <p>Under current legislation there will continue to be a growth in both LBO numbers and LBO concentration stimulated by FOBTs, unless there is appropriate action by Local Authorities (LAs). The replacement of Amusement Machine Licensing Duty (AML D) with Machine Game Duty (MGD) in January 2013 will exacerbate the problem of clustering. AMLD works as a fixed charge per LBO, but this will be replaced with a 20% “profit share” style tax (MGD). Higher end shops will pay more under the new regime, but the change will improve the viability of lower end LBOs, resulting in an increase in LBOs.</p> <p>The prevention of problem gambling and harm to young and vulnerable persons are both licensing objectives. Where those objectives are not being attained then this should provide grounds for denial of licensing. The clustering of LBOs results in problem gamblers moving from FOBT to FOBT, from shop to shop in order to satisfy their addiction.</p> <p><b><u>Extension of opening hours</u></b>  Bookmakers will argue that they want to cater for demand. But the accessibility, marketing and addictive nature of FOBT roulette creates the demand. Extended opening hours means minimal staff providing minimal oversight of increased</p>	N/A
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	<p>FOBT gambling and increased consequential addiction, harm and crime.</p> <p>Bookmakers may purport they want to attract wagering on overseas or esoteric sports at unusual hours. Yet there is very little consumer interest in these products, certainly not enough to justify extended opening hours. Also bookmakers have a long history of refusing wagers at advertised prices if being placed by known competent gamblers. They even refuse wagers at advertised prices by unknown persons if wagers are to win above certain amounts. So bookmakers do not cater for the existing demand for OTC betting and should be denied any extension of hours of operation.</p> <p><b><u>Crime and disorder in betting shop vicinity</u></b>  FOBTs have resulted in an increase in abuse of staff and crime on premises. Damage to FOBTs is going unreported in some cases. Accepting wagers from under-age gamblers is common on FOBTs. With the lack of sobriety verification of FOBT gamblers there is likely to be crime in the vicinity as a consequence of under-the-influence FOBT gambler losses. But with the impracticality of LAs or police regularly monitoring betting shops and inadequate staff numbers and with no staff willingness to challenge FOBT gamblers, these problems will escalate. Bookmakers are failing in yet more of their licensing obligations.</p> <p><b><u>Primary use of the betting shop</u></b>  By virtually every factor the primary use of the LBO is FOBT gaming not OTC betting.</p> <table border="0"> <tr> <td></td> <td style="text-align: center;"><u>OTC Betting</u></td> <td style="text-align: center;"><u>FOBT Gaming</u></td> </tr> <tr> <td>Gross gaming yield</td> <td style="text-align: center;">50%</td> <td style="text-align: center;">50%</td> </tr> <tr> <td>Turnover</td> <td style="text-align: center;">20%</td> <td style="text-align: center;">80%</td> </tr> <tr> <td>Transactions</td> <td style="text-align: center;">20%</td> <td style="text-align: center;">80%</td> </tr> <tr> <td>Wagers</td> <td style="text-align: center;">5%</td> <td style="text-align: center;">95%</td> </tr> </table>		<u>OTC Betting</u>	<u>FOBT Gaming</u>	Gross gaming yield	50%	50%	Turnover	20%	80%	Transactions	20%	80%	Wagers	5%	95%	<p style="text-align: center;">N/A</p>
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		<p style="text-align: center;">N/A</p>															

	<p>The gross gaming yield was slightly less than 50% for FOBTs in the year to Sept 2011. But this is of course now a year out-of-date. Bearing in mind that just over 10 years ago the FOBT yields was at 0%, as they had not been introduced, there is every expectation that FOBT yield will soon exceed 50%.</p> <p>The turnover ratios are obtainable from bookmakers' annual accounts. The transactions estimate is based on a similar amount per OTC and FOBT transaction. The wager estimate is in the knowledge that an OTC transaction is usually for a limited number of bets, but that a significant number of different numbers are bet per FOBT roulette transaction. The Gambling Commission (GC) for Great Britain claims in its August Special Bulletin to LAs that space allocation should be a consideration. This is a fallacy as different forms of gambling just require different amounts of space.</p> <p>Further the Bulletin claims that turnover is a misleading factor because:</p> <p><b>“[FOBTs] rely on players repeatedly re-staking their winnings.”</b></p> <p>This is exactly how a problem gambler would behave. The propensity to re-stake winnings is also a play style that roulette engenders.</p> <p><b>Summary</b></p> <p>The GC's Bulletin seeks to support the status quo and minimize the powers of LAs, if the GC's interpretations are adhered to. LAs should not comply with this blatant abuse by the unelected administrators at the Gambling Commission.</p>	
National Casino Industry Forum	<p>I am writing to you as Chairman on behalf of the National Casino Industry Forum (NCIF) the body that represents over 90% of UK land based casino operators.</p> <p>As we know you're aware there is a requirement, under Section 349 of the Gambling Act 2005, for your Authority to publish a Gambling Policy Statement every three years, the next Policy Statement being due to come into force on 31<sup>st</sup> January 2013, following consultation. As you also know, under the Gaming Act 1968 your Authority is one of the 53 'Permitted Areas' in Great Britain where</p>	

	<p>casinos may operate.</p> <p>As the representative body for the casino industry we would welcome the opportunity to contribute to your consultation process.</p> <p>Casinos play an important part in the provision of entertainment and hospitality, bringing mature and responsible patrons to our town and city centres. Casinos are an attractive and positive addition to the overall offer of our evening economies, without any of the negative experiences of anti-social behaviour sometimes sadly attributable to late night venues. Last year casinos in the UK hosted almost 19 million visits, and provided an important source of local revenue, which could translate to:</p> <ul style="list-style-type: none"> <li>• New £15 million <b>construction investment</b> in local authority areas to help to restore confidence locally</li> <li>• Possibility of Section 106 Agreements to <b>boost local services</b></li> <li>• Local Authority <b>business rates boosted</b> by £250,000 pa</li> <li>• Areas benefit from <b>£4-5 million of added value</b> in the local economy</li> </ul> <p>It is also worth noting that as a, quite properly, highly regulated industry it is also a labour intensive business, providing disproportionately high employment opportunities with typically 100 to 200 staff on a premises. Some current casino venues provide up to 450 jobs (depending on the size of the casino). Employment is met at a local level, often to the young; also the lack of academic qualifications is not a barrier to employment.</p> <p>Where based, casinos are an important and positive contribution to the night-time economy of an area. They do not contribute to, but instead help to mitigate problems by offering different types of entertainment in the late night economy not centred around social drinking. Casinos add attraction, vigour and variety to our town and city centres and encourage tourism.</p>	
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	We would welcome and encourage dialogue with your authority to ensure that any casino premises in your area is viewed positively as contributing to the variety of offer in the night-time economy.	
Responders: Residents	None	
Responder: Charity		
Sussex Deaf Association	<p>Would you be able to add in a general exemption statement regarding "low risk club bingo" events for which all proceeds (especially in our case) are distributed fairly between winners, therefore not requiring a gambling licence.</p> <p>The reason for this is because I contacted your department to receive some clarification on whether we required a license or not. I was told that we did not as we did not go over the limit. Are there different costs for gambling limits associated with the licences?</p> <p>Thank you for including us in the council's triennial review process. We share the concerns so clearly expressed in the January 2010 handbook; we value the council's continued attention to gambling issues and look forward to receiving any future communication.</p>	Already law
Religious Society of Friends	<p>Thank you for including us in the council's triennial review process. We share the concerns so clearly expressed in the January 2010 handbook; we value the council's continued attention to gambling issues and look forward to receiving any future communication.</p>	Support for current policy
Sussex Police	Having read through your policy I have no suggestions or amendments I wish to make.	Support for current policy
Medical practitioner	As a medical practitioner my principal concern is for the health of the community but, it seems, the effect of gambling on individuals, family welfare and the environment are excluded from consideration when an application for a licence is considered. At paragraph 8.3 I would recommend the addition of a Public Health doctor to those with whom the gambling authority should liaise. I have nothing further to add.	Support for current policy





**Brighton & Hove  
City Council**

**Brighton & Hove City Council  
Gambling Statement**

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- 1.3 Statutory Consultees
- 1.12 Human Rights

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- 2.7 Ensuring that gambling is conducted in a fair and open way
- 2.10 Protecting children and other vulnerable persons from being harmed or exploited by gambling

**3 Avoidance of unnecessary duplication**

**4 Demand for gaming premises**

**5 Interested parties**

**6 Principle to be applied in exercising inspection and enforcement functions**

**7 Statement regarding casino resolution**

**8 Information Exchange and Integration of Strategies**

**9 Standard Conditions**

**10 Enforcement**

**11 Contact Details, Advice and Guidance**

**12 List of consultees**

## 1. Brighton and Hove City Council: Gambling Statement

### 1 Introduction

1.1 This statement has been prepared in accordance with the provisions of the Gambling Act 2005. Its purpose is to promote the gambling objectives, give weight to views of consultees listed below and set out a general approach to making gambling decisions. Brighton & Hove City Council as the licensing authority in relation to gambling must carry out its functions with a view to promoting the gambling objectives and this statement is framed around those objectives. Each application will be given individual consideration on its merit. The scope of this Policy covers the following:

- Avoidance of unnecessary duplication or inefficiencies by properly separating the planning and gambling regimes in operation
- Demand for gaming premises
- Principle to be applied in exercising functions under Section 15 of the Act with respect to inspection of premises and the power under Section 346 of the Act to institute criminal proceedings
- Principle to be applied to determine whether a person is an interested party in relation to a premises licence, or in relation to an application for or in respect of a premises licence
- Consideration of applications
- Statement regarding casino resolution
- Information exchange
- Statement of principles

1.2 The gambling objectives are:-

- a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- b) Ensuring that gambling is conducted in a fair and open way, and;
- c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

1.3 The statutory consultees are:-

- (a) the chief officer of police for the authority's area;
- (b) such persons as the licensing authority considers to represent the interests of persons carrying on gambling businesses in the authority's area;
- (c) such persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

1.4 In addition to consultees in 1.3 above, a list of the persons or bodies consulted can be found at (12) on page 12.

Due consideration was given to all those who responded – the consultation period commenced 16 July 2012 and lasted 12 weeks.

1.5 This policy will come into force on 1 January 2013 by resolution of Full Council during December 2012 and will be reviewed and published at least every



three years.

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The review process will be undertaken using the same principles as the initial consultation process. The policy will also be under review in the interim periods; any revisions required by either process will also be the subject of consultation. It is also subject to guidance issued by the Government including any issued after the date of publication of this Statement.

- 1.6 The City of Brighton & Hove provides many gambling facilities. There are two racetracks. Brighton Racecourse on Whitehawk Down has been a site of organised public racing since the late eighteenth century. Brighton and Hove were two of the 53 permitted areas in Great Britain with four casinos under the 1968 Act. There are numerous bingo and betting premises. As a seaside resort, there is a history of amusement arcades (family entertainment centres or adult gaming centres).
- 1.7 The types of applications covered by the licensing authority of Brighton & Hove City Council and relevant to this statement are:-
- To license premises for gambling activities
  - To consider notices given for the temporary use of premises for gambling
  - To grant permits for gaming and gaming machines in clubs
  - To regulate gaming and gaming machines in alcohol licensed premises
  - To grant permits to family entertainment centres for the use of certain lower stake gaming machines
  - To grant permits for prize gaming
  - To consider occasional use notices for betting at tracks
  - To register small societies' lotteries
- 1.8 Family Entertainment Centres  
Applicants for permits for family entertainment centres will be required to submit enhanced criminal records bureau certificate and declaration from an applicant that he or she has not been convicted of a relevant offence.
- 1.9 Gambling decisions and functions may be taken or carried out by the licensing committee of Brighton & Hove City Council or delegated to the licensing sub-committee or in appropriate cases by officers of the authority. As many of the decisions will be purely administrative in nature, the principle of delegation to officers is adopted in the interests of speed, efficiency, and cost effectiveness. The terms of delegation of function are set out below.

Matter to be dealt with	Full Council	Sub-Committee	Officers
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
Application for premises licence		If a representation made	If no representation made
Application for a variation to a licence		If a representation made	If no representation made
Application for a transfer of a licence		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Review of a premises licence		X	
Application for club gaming/club machine permits		If a representation made	If no representation made
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of			X

- 1.10 The licensing authority shall foster ownership, co-ordination and partnership. Work shall include consultation with business managers to encourage understanding and ownership of policy and good practice.
- 1.11 Nothing in this policy shall undermine any person from applying for a variety of permissions under the Act and appropriate weight will be given to all relevant representations. Such representations will not include those that are frivolous or vexatious.
- 1.12 **Human Rights**  
 In considering applications, and taking enforcement action, licensing authorities are subject to The Human Rights Act and in particular the following relevant provisions of the European Convention on Human Rights:-
- Article 1, Protocol 1 - peaceful enjoyment of possessions. A licence is considered a possession in law and people should not be deprived of their possessions except in the public interest.

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- Article 6 - right to a fair hearing.
- Article 8 - respect for private and family life. In particular, removal or restriction of a licence may affect a person's private life; and
- Article 10 – right to freedom of expression.

Licensing Authorities should be aware that moral objections to gambling are not a valid reason to reject applications for premises licences. This is because such objections do not relate to the licensing objectives. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers). In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being met.

## **2 Fundamental Principles**

### **2.1 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**

2.2 Applicants for premises licences will have to hold an operating licence from the Gambling Commission before the premises licence can be issued. The licensing authority will not need to investigate the suitability of an applicant since the Commission will have already done so for both operating and personal licences.

2.3 If, during the course of considering a premises licence application, or at any other time, the licensing authority receives information that causes it to question the suitability of the applicant to hold an operating licence, these concerns should be brought to the attention of the Commission without delay.

2.4 Licensing authorities will need to consider the location of premises in the context of this objective. If an application for a licence or permit is received in relation to premises that are in an area noted for particular problems e.g. with organised crime, the authority should think about what controls might be appropriate to prevent those premises becoming a source of crime. These might include conditions being put on the licence. Section 169 of the Act allows the authority to impose conditions to prevent disorder.

2.5 Consideration may be given to imposition of conditions concerning:

- Security and door supervision – guarding premises against unauthorised access or occupation, or against outbreaks of disorder or against damage may only be undertaken by Security Industry Authority licensed personnel.
- As set by regulation.

2.6 There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. The authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

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## **2.7 Ensuring that gambling is conducted in a fair and open way**

Generally the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter dealt with under the operating licence or personal licence.

2.8 In relation to the licensing of tracks, the licensing authority's role will be different from other premises in that track operators will not necessarily have an operating licence. In those circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable. Off-course operators with on-course facilities may be required to hold a separate betting premises licence for this area but this will not be a mandatory requirement and will be at the discretion of the racecourse and the betting operator.

2.9 Conditions may be imposed as set by regulation.

## **2.10 Protecting children and other vulnerable persons from being harmed or exploited by gambling**

With limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises that are adult-only environments. Children must be protected from being "harmed or exploited by gambling" which in practice means preventing them from taking part in or being in close proximity to gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

2.11 Specific measures to prevent this may include:-

- a) Supervision of entrances
- b) Segregation of gambling from areas frequented by children
- c) Supervision of gaming machines in non-adult gambling specific premises
- d) Gaming machines in betting shops should not be visible from outside the premises
- e) Enhanced CRB checks may be required for all applicants in relation to Family Entertainment Centres and declaration from an applicant that he or she has not been convicted of a relevant offence

These considerations will be particularly relevant on tracks (where children will be permitted in the betting areas on race-days).

2.12 The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. "Vulnerable persons" will not be defined but for the purposes of this policy the assumption is that this group includes people who from a common sense perspective, a provider of gambling services would be expected to assess as unlikely to be able to make informed or balanced decisions about gambling, due to a learning disability, mental health problem, a known compulsion to gamble or the effects of alcohol or drugs.

Operators should make information publicly available via leaflets etc about organisations that can provide advice and support, both in relation to gambling itself and to debt e.g. GamCare, Gamblers Anonymous, Gordon House Association, National Debtline, local Citizens Advice Bureaux and independent advice agencies.

- 2.13 Consideration must be given, in relation to particular premises, whether any special considerations apply in relation to the protection of vulnerable persons. Any such considerations will need to be balanced against the authority's objective to aim to permit the use of premises for gambling.

- 2.14 The licensing authority recognises the Children and Young People's Trust as being competent to advise on matters relating to the protection of children from harm. Applicants shall copy their applications to: Chair of Brighton & Hove ACPC, Children Families & Schools, King's House, Hove, BN3 2LS in its capacity as the responsible authority.
- 2.15 Children are permitted to enter family entertainment centres and may play category D machines.
- 2.16 Consideration may be given to imposing conditions concerning
- Installation of cash dispensers (ATMs) on premises (e.g. location)
  - As set by regulation.
- 2.17 Bookmakers shops: While the authority has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.

### **3. Avoidance of unnecessary duplication or inefficiencies by properly separating the planning and gambling regimes in operation**

- 3.1 This policy shall avoid unnecessary duplication or inefficiencies by properly separating the planning and gambling regimes in operation. Where appropriate, matters for consideration in gambling applications will not duplicate matters considered as part of any planning application.
- 3.2 The Licensing Committee should provide regular reports to the Planning Committee on the situation regarding licensed premises in the area. Such reports may include: the general impact of gambling related crime and disorder, numbers and types of applications per ward, results of applications/appeals, details of closing times, such other information as the committee deems appropriate.

### **4. Demand for gaming premises**

- 4.1 Unmet demand is not a criterion for a licensing authority in considering an application for a premises licence under the Gambling Act. Each application must be considered on its merits without regard to demand.
- 4.2 The licensing authority may comment on the location of premises in so far as the location relates to the licensing objectives. The general principals that will be applied when determining whether the location of proposed gambling premises is acceptable (with or without conditions) will reflect the licensing objectives. So for example, the authority will consider very carefully whether applications for premises licences in respect of certain gambling premises located very close to a school, or a centre for gambling addicts should be

granted in light of the third licensing objective. (Many betting offices are located near schools or in residential areas but under 18's are not permitted on the premises. The location of racecourses will not have altered and cannot be transferred to another location). However, each application will be considered on its merits and will depend on the type of gambling that it is proposed will be offered in the premises. If an applicant for a premises licence can show how licensing objective concerns can be overcome, that will have to be taken into account.

## **5. Interested parties**

- 5.1 Section 158 of the Act defines interested parties as persons who:
- a) live sufficiently close to the premises to be likely to be affected by the authorised activities
  - b) have business interests that might be affected by the authorised activities; or
  - c) represent persons who satisfy a) or b).

Persons who fall into c) above may include trade associations, trade unions, residents associations and tenants associations, and ward councillors or MPs.

Whether a person is an interested party with regard to particular premises will be considered on a case-by-case basis, judging each on its merits. The size of the premises and the activities taking place will be taken into account. Larger premises may affect people over a broader geographical area compared to smaller premises offering similar facilities.

## **6. Principle to be applied in exercising functions under Part 15 of the Act with respect to inspection of premises and the power under Section 346 of the Act to institute criminal proceedings**

- 6.1 The Enforcement Concordat (now called the Regulatory Compliance Code) will be accepted as best practice. The Better Regulation Executive and Hampton review of regulatory inspections and enforcement will be used as models, as follows:
- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
  - Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
  - Consistent: rules and standards must be joined up and implemented fairly;
  - Transparent: regulators should be open, and keep regulations simple and user friendly; and
  - Targeted: regulation should be focused on the problem, and minimise side effects.

## **7 Statement regarding casino resolution**

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- 7.1 The licensing authority has not taken a decision to pass a resolution not to issue casino licences. The effect of a resolution would be not to issue new casino licences in Brighton & Hove.
- 7.2 The decision to pass such a resolution may only be taken by the authority as a whole and cannot be delegated to the licensing committee. In passing such a resolution the authority may take into account any principle or matter, not just the licensing objectives. Where a resolution is passed, it must be published by the authority in this licensing statement.
- 7.3 The resolution must apply to casino premises generally, so that the authority cannot limit its effect to geographic areas or categories of casinos. This will only affect new casinos. It will not have any effect on casino premises licences or provisional statements issued prior to the date the resolution comes into effect. Similarly, a resolution will not affect the ability of casinos with preserved entitlements from the 1968 Act from continuing to operate as casinos.

- 7.4 The Council's response to the Casino Advisory Panel stated that there would be no objection to one additional large casino and one additional small casino but there is no interest in any proposal for a regional casino.
- 7.5 Brighton & Hove City was not selected as one of the areas where a new casino (or casinos) would be located,

## **8 Information Exchange and Integration of Strategies**

- 8.1 The Commission may require authorities to provide information about applications covered by the gambling authority. This information will be provided in the format requested by the Commission.
- 8.2 This Policy will follow corporate guidelines regarding data protection and freedom of information. Where valid representations are received, a copy is sent to the applicant in order to facilitate discussions on the matters raised.

**Please note:** *names and addresses of those making representations will usually be disclosed to applicants.*

- 8.3 The gambling authority shall secure the proper integration of this policy with local crime prevention, planning, tourism and cultural strategies by:-
- Liaising and consulting with the Sussex Police, HM Revenue & Customs and the Community Safety Strategy representatives and following the guidance in community safety and crime and disorder strategy,
  - Liaising and consulting with the planning authority,
  - Liaising and consulting with tourism, stakeholder groups, business groups such as the City Centre Business Forum and the economic development functions for the Council.
  - Having regard to any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols
- 8.4 The Statement of Gambling Policy will support the aims of the tourism strategy recognising the benefits for the tourism economy by creating a safer and more attractive City centre and improving competitiveness with other European Cities.
- 8.5 The Licensing Committee should receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area, the employment situation of the area and the need for new investment and employment where appropriate to ensure that it considers these matters.
- 8.6 Planning permission is not a guarantee that permission to provide gambling will be granted. The two regimes work separately.

## **9. Standard Conditions**

Appendix 2 (Section 169 of the Act) contains a pool of model conditions that may be imposed or excluded by the licensing authority. The Act provides that

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conditions may be attached to premises licences. Conditions may be attached in a number of ways:

- They may be attached automatically, having been set out on the face of the Act including mandatory and default conditions from the Secretary of State, or
- They may be attached to premises licences by licensing authorities. The authority should take decisions on individual conditions on a case-by-case basis and choose suitable and appropriate conditions to suit the specific needs of an individual premises' operation.

## **10. Enforcement**

- 10.1 The enforcement of gambling law and the inspection of licensed premises will be detailed in the Protocol between the Gambling Commission, Brighton & Hove City Council and Sussex Police. This protocol will monitor compliance with the provisions of the Act and with licence conditions, and the investigation of suspected offences.
- 10.2 In general, the approach of the Commission will be that the authority which issues a licence or permit should take the lead in ensuring compliance with the licence and any conditions attached to it, including compliance with relevant codes of practice.
- 10.3 The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise.

## **11. Contact Details, Advice and Guidance**

- 11.1 Further details for applicants about the gambling and application process, including application forms, can be found:
- By contacting the Health & Safety and Licensing Team at: Bartholomew House, Bartholomew Square, Brighton BN1 1JP
  - By telephoning them on 01273 294429
  - By faxing on 01273 292169
  - E-mail [ehl.safety@brighton-hove.gov.uk](mailto:ehl.safety@brighton-hove.gov.uk)
  - Via [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk) (search under Licensing Act 2003 and follow the gambling links)
  - Via Customer Service Centre
  - Gambling Commission, Victoria Square House, Victoria Square, Birmingham B2 4BP
  - Police Licensing Unit, Police Station, John Street, Brighton BN2 0LA Tel: 01273 665523
  - Fire Authority East Sussex Fire and Rescue Service, Brighton & Hove Fire Safety, Office, Hove Fire Station, English Close, Hove, BN3 7EE, Tel: 01323 462130

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- Planning, Development Control, Hove Town Hall, Norton Road, Hove, BN3 1PT, Tel: 01273 290000
- Environmental Health, Environmental Protection Team, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP, Tel: 01273 290000
- Child protection - Chair of Brighton & Hove ACPC, Children Families and Schools, King's House, Hove, BN3 2LS
- HM Revenue & Customs, 12<sup>th</sup> Floor Alexander House, 21 Victoria Avenue, Southend on Sea, SS99 1BD Tel: 0845 010 9000.

**12. Consultation was undertaken with the following:-**

- the chief officer of police for the authority's area; and HM Revenue & Customs
- persons representing the interests of persons carrying on gambling businesses in the authority's area – including existing casino operators, the British Casino Association, betting shops and the Association of British Bookmakers, bingo premises, operators of amusement facilities in the area, the Racecourse Association, Brighton Business Forum;
- persons who represent the interests of persons who are likely to be affected by the Act including faith groups, local residents and tenants associations, voluntary and community organisations working with children and young people, operators of small lotteries, organisations working with people who are problem gamblers, medical practices or primary care trusts, and advocacy organisations such as Citizens Advice Bureau, The Money Advice Trust and National Debtline, GamCare, Members and trade unions.

<b>LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)</b>	<b>Agenda Item 15</b>  Brighton & Hove City Council
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**REVIEWS RECEIVED**

<b><u>NAME AND ADDRESS OF PREMISES</u></b>	<u>Date consideration of closure order received from Magistrates</u>	<b><u>DATE OF HEARING</u></b>	<b><u>DETERMINATION</u></b>
<b>K &amp; A News</b> 5 St Georges Road Brighton East Sussex BN2 1EB Queen's Park (03345) JW		23.10.12 CR1 BTH 10AM	Licence suspended for 8 weeks, change of DPS, additional personal licence holder, documented training, and additional conditions on licence.



**LICENSING COMMITTEE  
(LICENSING ACT 2003  
FUNCTIONS)**

**Agenda Item 16**

Brighton & Hove City Council

**Schedule of Licensing Appeals: Date of Meeting: 22<sup>nd</sup>  
November 2012**

<b>Premises</b>	<b>Appellant</b>	<b>PTR</b>	<b>Hearing</b>	<b>Outcome</b>
Marwood Café, 52 Ship Street, Brighton	Premises	18.10.12		Settled by Consent. Licence granted. Council to pay Appellant's costs of £1,200.00

